

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 875 of 1997

in

CIVIL APPLICATION No 7344 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PURUSHOTTAMBHAI C PARMAR

Versus

ORIENTAL INSURANCE CO.

Appearance:

MR RK MISHRA for Petitioner

MR DARSHAN M PARIKH for Respondent No. 1

CORAM : MR.JUSTICE C.K.THAKKER and

MR.JUSTICE S.D.PANDIT

date of decision: 03/09/97

ORAL JUDGEMENT (Per:Thakker J)

This is an appeal against an order passed in Civil Application No. 7344 of 1997 in Special Civil Application No. 5535/97. Said order dated August 6, 1997 reads as under:

" Rule returnable on 27th of August 1997.
Ad.interim order is refused."

2. Mr. Mishra learned counsel for the appellant-applicant stated that the learned single Judge ought to have granted interim relief as prayed in para 4 of the Civil Application. Para 4 of the Civil Application reads as under:

" Your Lordships may be pleased to restrain the respondent authorities from issuing the orders of promotions and postings to the Cadre of AAOs against the vacancies declared for 1997 round up promotions"

For the said purpose, he relied upon the judgment of the Supreme Court reported in 1995(4) SCC 246 in the case of Vinod Kumar Sangal vs. Union of India & ors. Mr. Darshan Parikh learned counsel for the respondent stated that the main matter is pending. Similarly in Civil Application also Rule is issued. It was made returnable on 27.8.97. In the circumstances, in our opinion, it would not be proper to express any opinion by us either this way or that way. It is however, made clear that the order passed in Civil Application No. 7344/97 will be subject to further order to be passed by the learned single Judge. Regarding the order of issuance of notice on the main matter i.e. Special Civil Application No. 5536 of 1997 dated July 30,1997 it may be stated here that the notice was issued subject to the deposit of an amount of Rs. 2500/- is also subject to further orders to be passed by the learned single Judge. Considering the facts and circumstances of the case nothing can be done in this matter. In the circumstances, this appeal deserves to be dismissed and the same is accordingly dismissed. No order as to costs.

(C.K.Thakker.J)

(S.D.Pandit.J)

